

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

QUATRELA PATE, et al.,)
vs.)
WAL-MART STORES, INC., et al.,)
Plaintiffs,)
Defendants.)
)
Case No. 2:12-cv-01377-GMN-PAL
ORDER
(Mtn to Withdraw - Dkt. #15)

This matter is before the court on the Motion to Withdraw as Counsel of Record (Dkt. #15) filed January 2, 2013. Ben J. Bingham seeks to withdraw as counsel of record for Plaintiffs Quatrela Pate and De'Jior Payne. De'Jior Payne is Ms. Pate's minor son, and she is his guardian ad litem in this litigation. The Motion, which is supported by an affidavit of counsel, represents that Ms. Pate sent counsel a letter terminating his services on behalf of herself and her son. Counsel also contends that continuing to represent the Plaintiffs would result in an unreasonable financial burden to counsel and that a "cooperative impasse" has arisen between he and Ms. Pate, so that counsel can no longer "ethically represent Plaintiffs due to the differences of opinion in the instant matter." Affidavit of Ben J. Bingham at ¶¶ 5- 7.

Local Rule IA 10-6 provides that “no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result.” Plaintiffs’ complaint was filed in state court and removed to this court on August 3, 2012. *See* Petition for Removal (Dkt. #1). Discovery closes on January 30, 2013. *See* Scheduling Order (Dkt. #9). Dispositive motions are due no later than March 1, 2013. *Id.*

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

1. The Motion to Withdraw as Counsel of Record (Dkt. #15) is GRANTED.

1 2. Plaintiffs shall have until **February 14, 2013**, in which to retain new counsel who shall
2 file a notice of appearance in accordance with the Local Rules of Practice or to file a
3 statement that they will proceed *pro se* (represent themselves).
4 3. Failure to comply with this order may result in a recommendation to the District Judge
5 for sanctions, including case-dispositive sanctions.
6 4. The Clerk of Court shall serve a copy of this Order on Plaintiffs at:

7 Quatrela Pate
8 De'Jior Payne c/o Quatrela Pate, Guardian Ad Litem
9 837 E. Thompson Blvd.
10 Ventura, CA 93001

11 Dated this 14th day of January, 2013.

12 
13 PEGGY A. TEES
14 UNITED STATES MAGISTRATE JUDGE